

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 229**

Introduced by Tyson, 19; Mines, 18

Read first time January 10, 2003

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-818, Reissue  
2 Revised Statutes of Nebraska; to adopt the Nebraska  
3 Municipal Comparability Act; to harmonize provisions; to  
4 repeal the original section; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1.   Sections 1 to 6 of this act shall be known  
2   and may be cited as the Nebraska Municipal Comparability Act.

3           Sec. 2.   The Legislature finds and declares that it is  
4   the public policy of the State of Nebraska and the purpose of the  
5   Nebraska Municipal Comparability Act to promote harmonious,  
6   peaceful, and cooperative relationships between municipal  
7   government and its employees and to protect the public by assuring  
8   effective and orderly operations of municipal government. Such  
9   policy is best effectuated by: (1) Recognizing the right of  
10   municipal employers and employees to utilize the protection of the  
11   Industrial Relations Act and (2) providing statutory guidelines to  
12   the Commission of Industrial Relations which recognize the unique  
13   nature of municipal comparability cases.

14          Sec. 3.   For purposes of the Nebraska Municipal  
15   Comparability Act, metropolitan area means an area so designated by  
16   the United States Office of Management and Budget.

17          Sec. 4.   The Nebraska Municipal Comparability Act is  
18   cumulative to the Industrial Relations Act, except when otherwise  
19   specifically provided or when inconsistent with the Industrial  
20   Relations Act, in which case the Nebraska Municipal Comparability  
21   Act shall prevail.

22          Nebraska municipalities, their employees, employee  
23   organizations, and exclusive collective-bargaining agents shall  
24   have all of the rights and responsibilities afforded employers,  
25   employees, employee organizations, and exclusive  
26   collective-bargaining agents pursuant to the Industrial Relations  
27   Act to the extent that such act is not inconsistent with the  
28   Nebraska Municipal Comparability Act.

1           Sec. 5. (1) In industrial disputes involving municipal  
2 employees covered by the Nebraska Municipal Comparability Act, the  
3 Commission of Industrial Relations shall make comparisons in  
4 accordance with the following requirements:

5           (a) For a city of the first or second class or village,  
6 comparisons shall not include an employer located outside the State  
7 of Nebraska, unless:

8           (i) The population of the city in question exceeds  
9 thirty-nine thousand inhabitants;

10          (ii) The industrial dispute involves employees employed  
11 in a municipal power generation facility; or

12          (iii) The city or village is located within a  
13 metropolitan area in which a city of the metropolitan class is  
14 located;

15          (b) A comparison shall not include an employer located in  
16 a metropolitan area if the municipality which is the subject of the  
17 litigation is not included in a metropolitan area; and

18          (c) A comparison shall not include an employer located in  
19 an area with a population of more than double or less than one-half  
20 the city or village population or the metropolitan area population  
21 of the municipality which is the subject of the litigation.

22          (2) The requirements of the Nebraska Municipal  
23 Comparability Act shall not apply to cities of the metropolitan  
24 class or cities of the primary class.

25          Sec. 6. If the Commission of Industrial Relations finds  
26 that any city of the first or second class or village does not have  
27 sufficient comparables inside the State of Nebraska under the  
28 population comparability requirements of the Nebraska Municipal

1 Comparability Act, such cities or villages may be compared with  
2 out-of-state comparables in states contiguous to Nebraska which  
3 meet the population comparability requirements of the Nebraska  
4 Municipal Comparability Act.

5           Sec. 7.     Section 48-818, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           48-818.    Except as provided in the State Employees  
8 Collective Bargaining Act and the Nebraska Municipal Comparability  
9 Act, the findings and order or orders may establish or alter the  
10 scale of wages, hours of labor, or conditions of employment, or any  
11 one or more of the same. In making such findings and order or  
12 orders, the Commission of Industrial Relations shall establish  
13 rates of pay and conditions of employment which are comparable to  
14 the prevalent wage rates paid and conditions of employment  
15 maintained for the same or similar work of workers exhibiting like  
16 or similar skills under the same or similar working conditions. In  
17 establishing wage rates the commission shall take into  
18 consideration the overall compensation presently received by the  
19 employees, having regard not only to wages for time actually worked  
20 but also to wages for time not worked, including vacations,  
21 holidays, and other excused time, and all benefits received,  
22 including insurance and pensions, and the continuity and stability  
23 of employment enjoyed by the employees. Any order or orders  
24 entered may be modified on the commission's own motion or on  
25 application by any of the parties affected, but only upon a showing  
26 of a change in the conditions from those prevailing at the time the  
27 original order was entered.

28           Sec. 8.     Original section 48-818, Reissue Revised

1 Statutes of Nebraska, is repealed.

2           Sec. 9. Since an emergency exists, this act takes effect

3 when passed and approved according to law.